

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

JUN 07 2006

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

ANDREW BRADLEY DRUMHELLER,)
)
Plaintiff,)
)
v.)
)
CENTRAL VIRGINIA ELECTRIC)
COOPERATIVE,)
)
Defendant.)

CASE NO. 3:06CV00010

REPORT AND RECOMMENDATION

By: B. WAUGH CRIGLER
U.S. MAGISTRATE JUDGE

The undersigned having granted in open court the plaintiff's verbal motion to amend the Complaint made during the motions hearing before the undersigned on June 1, 2006, it is

RECOMMENDED

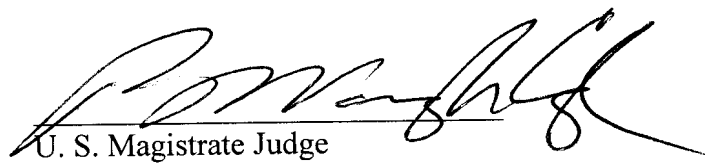
that the presiding court enter an order provisionally DENYING defendant's March 24, 2006 motion to dismiss without prejudice to the defendant to seek dismissal or entry of judgment as a matter of law on any claims set forth in an amended complaint which plaintiff may file within the period allowed by separate order of the undersigned, or upon the failure of plaintiff to file an amended complaint within the period prescribed by the undersigned's separate order.

The Clerk is directed to immediately transmit the record in this case to the Hon. Norman K. Moon, United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the

undersigned may be construed by any reviewing court as a waiver of such objection.

The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


U. S. Magistrate Judge

6-7-06
Date